

REMARKS

This application is believed to be in condition for allowance at the time of the next Office action.

The Office action states that The amendment filed November 10, 2008 proposes amendments to the claims that do not comply with 37 CFR 1.173(b), which sets forth the manner of making amendments in reissue applications. The Office action elaborates by stating that The amendment filed November 10, 2008 is non-compliant because applicant provides a listing of the status of the claims which includes claims 21 and 25 as pending even though claims 21 and 25 were cancelled along with claim 15 in the amendment filed June 20, 2007.

On this subject, the Office's attention is directed to the response filed December 2, 2009, which addressed this issue and provided a corrected listing of claims. For the sake of completeness and for the convenience of the Office, such listing is repeated below, with the status of claims 21 and 25 correctly identified:

1. pending (amendment of May 31, 2005);
2. pending (unchanged from issued patent);
- 3-5. pending (amendment of May 31, 2005);
- 6-12. pending (original patent)
13. pending (amendment of May 31, 2005);
14. canceled (present amendment);

15. canceled (amendment of June 20, 2007);
16, 17. pending (amendment of May 31, 2005);
18-20. pending (amendment of July 30, 2003);
21. canceled (amendment of June 20, 2007);
22. canceled (present amendment);
23, 24. pending (amendment of July 30, 2003);
25. canceled (amendment of June 20, 2007);
26-28. pending (amendment of July 30, 2003);
29, 30. pending (amendment of May 31, 2005);
31-35. canceled (present amendment).

The Office action also states that "applicant is strongly encouraged to submit a full and complete listing of the text of all claims as currently pending to ensure the correct version of each claim is printed should the case become allowed."

While Applicant acknowledges the strong encouragement by the MPEP to provide such full and complete claim listing, the same does not rise to a requirement. Given this, the failure to abide by such strong encouragement does not render the filing improper or incomplete.

However, in the interest of expediting the prosecution of this application, Applicant provides as an attachment to this paper a complete listing of the text of all currently pending claims. The claims are provided in the appropriate form for a reissue application. Specifically, claims that have been added during prosecution of the reissue application are presented

entirely underlined, all deletions of text of claims of the underlying patent are identified by single brackets without regard to the length of such deletion, and all text added to claims of the underlying patent is underscored.

While the after-final Office action of June 30, 2010 does not explicitly state such, it is Applicant's understanding that all rejections based on prior art have been withdrawn, and it is the understanding of the undersigned that this was expressed by Examiner Philogene during the telephone call of November 29, 2010.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17. Respectfully submitted,

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